

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

HENRY W. RUPERT, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-90-SA-DAS

U.S. BANK, N.A.

DEFENDANT

ORDER OF DISMISSAL

Henry Rupert originally filed his Complaint [2] in the Chancery Court of Lee County Mississippi. U.S. Bank, N.A. removed the case to this Court on June 13, 2017 premising federal jurisdiction on diversity of citizenship. Now before the Court is U.S. Bank's Motion to Dismiss [5] the Plaintiff's complaint for failing to state a claim. Finding the *pro se* Plaintiff's Complaint unclear and lacking factual information, the Court issued an Order to Show Cause [13] granting the Plaintiff additional time to amend his pleadings and attempt to cure the deficiencies. The Plaintiff did not respond in the time allotted.¹

As previously noted, none of the Plaintiff's pleadings contain specific, coherent, factual allegations involving U.S. Bank, and the Court is unable to ascertain the underlying facts or the nature of the Plaintiff's claims. For these reasons, the Court finds that dismissal is warranted under Federal Rules of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be granted, and 41(b) for failing to prosecute this case and failing to comply with this Court's orders.

Defendant U.S. Bank, N.A.'s Motion to Dismiss [5] is GRANTED, and this CASE is DISMISSED with prejudice. This CASE is CLOSED.

So ORDERED on this the 9th day of March, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT COURT JUDGE

¹ The Court's mail correspondence to the Plaintiff was returned as undeliverable.